



Saint Vincent and the Grenadines

Country Reports on Human Rights Practices - [2004](#)

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St. Vincent and the Grenadines is a multiparty, parliamentary democracy governed by a prime minister, a cabinet, and a unicameral legislative assembly, with a governor general as titular head of state. In 2001 elections that were generally free and fair, the Unity Labor Party (ULP) won 12 of 15 parliamentary seats, and ULP leader Ralph Gonsalves became the new Prime Minister. The judiciary is independent.

The Royal St. Vincent Police, the only security force in the country, includes a coast guard and a small Special Services Unit with some paramilitary training. Civilian authorities maintained effective control of the security force; however, some members of the security force committed human rights abuses.

The market-based economy was small, weak, and heavily in debt. The country's population was approximately 117,000. The economy primarily was based on agriculture (particularly bananas), construction, and tourism. The country continued to suffer from a high rate of unemployment and low per capita gross domestic product (GDP). Unemployment was estimated at 25 percent in 2003. Real GDP rose to 3.6 percent for 2003 following improvements in the construction, manufacturing, communications, and trade sectors. Consumer prices increased approximately 1.7 percent during the year.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. Principal human rights problems included instances of excessive use of force by police, the Government's failure to punish adequately those responsible for such abuses, poor prison conditions, and an overburdened court system. Violence against women and abuse of children also were problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including

Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no politically motivated killings by the Government or its agents; however, in September, police beat Leroy Sayers, who was behaving erratically and reportedly may have been having a seizure. Sayers later died in police custody. His family claimed to have been kept from the post mortem examination, and there was no opportunity for an independent examination to determine the cause of death.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, regional human rights groups noted that a high percentage of convictions were based on confessions. One human rights group believed that most confessions resulted from unwarranted police practices, including the use of physical force during detention, illegal search and seizure, and failure to inform properly those arrested of their rights.

In April, police reportedly captured and beat escaped prisoner Dexter Brewster, who sustained injuries that left him paralyzed from the waist down. The St. Vincent and the Grenadines Human Rights Association (SVGHRA) protested the incident to the Commissioner of Police but did not receive a response. At year's end, Brewster remained in a prison that was not equipped to

hold paralyzed prisoners.

Prison conditions were poor. Prison buildings were antiquated and overcrowded, with Her Majesty's Prison in Kingstown holding 354 inmates in a building designed for 75. These conditions resulted in serious health and safety problems.

In September 2003, the Prison Superintendent acknowledged that, despite reforms initiated in 2003, prisons were characterized by endemic violence, understaffing, underpaid guards, uncontrolled weapons and drugs, an increase in HIV/AIDS, and unhygienic conditions.

A prison guard training program, initiated in 2003, trained nearly all 117 guards in methods used in the British prison system. A rehabilitation program allowed inmates to receive contracts and jobs with local entrepreneurs. A school program offered courses in carpentry, tailoring, baking, and mechanical engineering.

The SVGHRA reported that prison guards routinely beat prisoners as means of extracting information regarding escapes, crime, and violence committed in the prison. During the year, guards reportedly beat one prisoner, Michael Wilson, because he had engaged in homosexual activity. Wilson had not been convicted of a crime but was in prison awaiting trial after being denied bail. Wilson subsequently was given bail and decided not to pursue a complaint against prison authorities.

There were 13 female inmates held in a separate section in the Fort Charlotte prison. Pretrial detainees and young offenders (16 to 21 years of age) were held with convicted prisoners. Conditions were inadequate for juvenile offenders.

The Government permitted prison visits by independent human rights observers, and such visits took place during the year.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, complaints continued regarding police practices in bringing cases to court.

The Royal St. Vincent Police has 700 police officers, including a small Special Services Unit with some paramilitary training. The force has an additional 59 persons in the fire service and 74 in the coast guard. The Government operated an oversight committee to monitor police activity and hear public complaints about police misconduct. The committee reported to the Minister of National Security and to the Minister of Legal Affairs and actively participated in investigations during the year.

Arrest warrants are required in most instances. Detainees may seek judicial determinations after 48 hours if not already provided. There is a functioning and generally effective system of bail. A local human rights group reported that most detainees were given prompt access to counsel and family members, although in some instances, such access was delayed.

Although there were only three official magistrates, the registrar of the High Court and the presiding judge of the Family Court effectively served as magistrates when called upon to do so. Some defense attorneys claimed that there were 6- to 12-month delays in preliminary inquiries for serious crimes.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judiciary consists of lower courts and a High Court, with appeal to the Eastern Caribbean Court of Appeal and final appeal to the Privy Council in the United Kingdom. There were three official magistrates, including the Chief Magistrate, a senior magistrate, and one other magistrate. In addition, the registrar of the High Court had the authority to sit as a magistrate if called upon. The Chief Magistrate was also president of the Family Court, which handled criminal cases for minors up to age 16.

The Constitution provides for public trials. The court appointed attorneys for indigent defendants only when the defendant was charged with a capital offense. Defendants were presumed innocent until proven guilty and could appeal verdicts and penalties. The backlog of pending cases was reduced during the year, even though the magistrate's court in Kingstown lacked a full complement of magistrates. A local human rights group reported that magistrates were overworked and underpaid.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom.

The independent media were active and expressed a wide variety of views without restriction. There were two major newspapers and numerous smaller, partisan publications; all were privately owned. The sole television station and six of seven radio stations were privately owned.

Slander charges filed in 2002 by Prime Minister Gonsalves against a popular radio talk show host and the company that owned the radio station remained before the court at year's end.

The Government did not restrict access to the Internet.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Members of the Rastafarian community continued to complain that law enforcement officials unfairly targeted them. However, it was not clear whether such complaints reflected discrimination by the authorities on the basis of religious belief or simply enforcement of laws against marijuana, which was used as part of Rastafarian religious practice.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The Constitution prohibits forced exile, and it was not used.

Although the country is a signatory of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, the Government has not established a system for providing protection to refugees or asylum seekers. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution but did not grant refugee status or asylum. The country does not receive refugees; however, during the year, the Government permitted victims of Hurricane Ivan from Grenada to stay in the country on a temporary basis. A Red Cross representative served as the honorary liaison with the office of the U.N. High Commissioner for Refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The Constitution provides for general elections at least every 5 years.

In the 2001 elections, which observers declared to be generally free and fair, the opposition ULP won 12 out of the Parliament's 15 elected seats, and Dr. Ralph Gonsalves became Prime Minister. Following elections, the Governor General appoints six Senators, four on the nomination of the Prime Minister and two on the nomination of the Opposition Leader. Senators have the same privileges as the elected members except that they are not permitted to vote on a motion of no confidence brought against the Government.

The country had a national anti-corruption plan; however corruption remained a moderate problem. The law provides for public access to information and the Government provided such access in practice.

There were 2 women in the 15-seat Parliament and 3 women in the cabinet--the Minister of Tourism, the Minister of Agriculture, and the Attorney General.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were responsive to their views; however, the SVGHRA complained that not all of its complaints or inquiries to the Government received a response. The SVGHRA continued to monitor government and police activities, particularly with respect to treatment of prisoners, publicizing any cases of abuse. The SVGHRA participated in training seminars.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution provides for equal treatment under the law regardless of race or sex, and the Government generally enforced this provision in practice.

Women

Violence against women remained a serious problem. During the year, the police received 66 reports of rape. Of these, 22 cases were in court, 42 were under investigation, and 2 were dropped for lack of evidence. In 2003, women made over 1,000 reports of physical, sexual, emotional, and other domestic violence. The Domestic Violence/Matrimonial Proceedings Act prohibits domestic violence. The SVGHRA reported that, in many instances, domestic violence went unpunished due to a culture in which victims learn not to seek assistance from the police or the prosecution of offenders.

The SVGHRA conducted numerous seminars and workshops throughout the country to familiarize women with their rights. Development banks provided funding through the Caribbean Association for Family Research and Action for a program of Domestic Violence Prevention, Training, and Intervention. Police received training on domestic abuse, emphasizing the need to file reports and, if there was sufficient evidence, to initiate court proceedings. To counter the social pressure on victims to drop charges, some courts imposed fines against persons who brought charges but did not testify.

Rape, including spousal rape, is illegal, and the Government effectively enforced the law. Depending on the magnitude of the offense and the age of the victim, the sentence for rape generally was 10 years to life in prison.

Prostitution is legal; however, it remained a problem among young women and teenagers.

The law prohibits sexual harassment. A local human rights group believed that the law was ineffective and required amendments to address this problem.

Women enjoyed the same legal rights as men. Women received an equitable share of property following separation or divorce. The Office of Gender Affairs, under the Ministry of Education, Women's Affairs, and Culture, assisted the National Council of Women with seminars, training programs, and public relations. The minimum wage law specifies that women should receive equal pay for equal work.

Marion House, an independent social services agency, provided counseling and therapy services, as well as parenting and support programs for young adults aged 15 to 25.

Children

The Government was committed to children's rights and welfare. Primary education was compulsory, free, and universal, and the Ministry of Education estimated that 99 percent of primary school age children attended school. Secondary school was not compulsory, but the Government investigated cases in which children were withdrawn from school before the age of 16. As a supplement to secondary school, the Government sponsored the Youth Empowerment Program, which was an apprenticeship program for young adults interested in learning a trade. Approximately 500 youths were enrolled in this program, earning a stipend of approximately \$148 (EC\$400) a month, to which private sector employers contributed additional amounts in some instances. The Ministry of Education estimated that approximately 83 percent of secondary school-age children attended school during the year.

Despite government efforts to support health and welfare standards, the infant mortality rate still was very high at 22 deaths per 1,000 live births, in part due to the large number of children born to teenage mothers. Boys and girls enjoyed equal access to health care.

The law provides a limited legal framework for the protection of children, and the Family Services Department, Ministry of Social Development, monitored and protected the welfare of children. The Department had yet to implement its National Child Abuse Register and was unable to provide statistics for the year; however, the Department reported 51 cases of sexual abuse, 55 cases of physical abuse, 112 cases of neglect, and 22 cases of abandonment during 2002. The Family Services Department referred all reports of child abuse to the police for action.

Trafficking in Persons

The law does not address trafficking in persons specifically; however, there were no reports that persons were trafficked to, from, or within the country.

Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. The law does not mandate access to buildings for persons with disabilities, and the circumstances for such persons generally were difficult. Most persons with severe disabilities rarely left their homes because of the poor road system and lack of affordable wheelchairs. The Government partially supported a school for persons with disabilities, which had two branches. A separate, small rehabilitation center treated approximately five persons daily.

Section 6 Worker Rights

a. The Right of Association

Workers exercised the legal right to form and join unions; however, no law requires employers to recognize unions. Less than 10 percent of the work force was unionized.

The Protection of Employment Act provides for compensation and worker rights, but these were restricted to protection from summary dismissal without compensation and reinstatement or severance pay if unfairly dismissed. This act protects workers from dismissal for engaging in union activities and provides them with reinstatement rights if illegally dismissed.

b. The Right to Organize and Bargain Collectively

The law permits unions to organize and bargain collectively, and the Government protected these rights in practice; however, no law requires employers to recognize a particular union as an exclusive bargaining agent. The Trade Dispute, Arbitration, and Inquiry Act provides that if both parties to a dispute consent to arbitration, the Minister of Labor can appoint an arbitration committee from the private sector to hear the matter. There are no export processing zones.

The law provides for the right to strike, and workers exercised this right in practice; however, the Essential Services Act prohibits persons providing such services (defined as electricity, water, hospital, and police) from striking.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum working age at 16, and workers may receive a national insurance card at that age. The Ministry of Labor monitored and enforced this provision, and employers generally respected it in practice. The Labor Inspectorate at the Department of Labor received, investigated, and addressed child labor complaints. Labor officers in this unit conducted general inspections of workplaces annually. The age of leaving school at the primary level was 15 years; when these pupils left school, they usually were absorbed into the labor market as apprentices. The only recognized child labor was children working on family-owned banana plantations, particularly during harvest time, or in family-owned cottage industries. The Government operated a Youth Employment Service, which provided training and increased job opportunities by employing young people in government ministries for up to 1 year.

e. Acceptable Conditions of Work

The Wages Council meets every 2 years to review minimum wages. Minimum wages, last set in 2003, varied by sector and type of work and are specified for several skilled categories, including attendants, packers, cleaners, porters, watchmen, and clerks. In agriculture, the minimum wage for workers provided shelter was \$9.26 (EC\$25) per day; industrial workers earned \$11.11 (EC\$30) per day. In many sectors, the minimum wage did not provide a decent standard of living for a worker and family, but most workers earned more than the minimum.

The law prescribes hours of work according to category, such as industrial employees (40 hours per week), professionals (44 hours per week), and agricultural workers (30 to 40 hours per week). The law provides a minimum annual vacation of 5 to 14 days for agricultural workers, depending on the number of days employed during the year. Industrial workers receive 8 to 21 days of vacation, depending on the number of days employed during the year and the worker's length of service with the employer. The law provides that workers receive time-and-a-half for hours worked over the standard workweek.

Legislation concerning occupational safety and health was outdated, and enforcement of regulations was ineffective. Trade unions addressed some violations regarding safety gear, long overtime hours, and the safety of machinery. There were some

reports of significant visual impairment by visual display unit workers, and some reports of hearing impairment by power station and stone crushing employees. The law does not address specifically whether workers have the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment, but it stipulates conditions under which plants must be maintained. Failure to comply with these regulations would constitute a breach, which might cover a worker who refused to work under these conditions.